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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:04-CR-0224 WBS
)	
Plaintiff,)	STIPULATION AND ORDER
)	REGARDING DEPOSIT OF ASSET
v.)	
)	
TURK WALTER BLACK,)	
)	
Defendants.)	
_____)	

Plaintiff United States of America and defendant Turk Walter Black, hereby agree and stipulate as follows:

WHEREAS,

1. The defendant is named in a superseding indictment returned February 9, 2005.

2. The superseding indictment includes a forfeiture allegation against real property located at 14 Fifth Street, Petaluma, California, APN: 008-046-011, recorded owner Turk Black.

3. The parties wish to allow the defendant to sell that property, while at the same time providing a res for the government to seek to forfeit in lieu of the real property as a

1 substitute asset upon conviction of an offense giving rise to
2 forfeiture.

3 THEREFORE, the parties stipulate as follows:

4 1. Defendant Turk Walter Black shall instruct the
5 Escrow/Title Officer handling the sale to deposit the net
6 proceeds from the sale of the above-referenced real property made
7 payable to the United States Department of Treasury and forwarded
8 to the following address: U.S. Attorney's Office, Att: Forfeiture
9 Unit, 501 I Street, Suite 10-100, Sacramento, California 95814,
10 pending further order of the Court. Said funds shall be held by
11 the United States Department of Treasury, in an interest bearing
12 account pending further order of the Court.

13 2. If defendant Turk Walter Black is convicted of an
14 offense giving rise to forfeiture, then defendant Turk Walter
15 Black stipulates that the Court may substitute the net proceeds,
16 to the extent the real property would otherwise be subject to
17 forfeiture pursuant to any provision of 18 U.S.C. § 982 or 21
18 U.S.C. § 853.

19 3. Defendant Turk Walter Black waives any objection to the
20 pretrial restraint of the net proceeds pending trial.

21 4. In the event that defendant Turk Walter Black is not
22 convicted of any offense giving rise to forfeiture and to the
23 extent the property is not otherwise subject to civil forfeiture,
24 the government agrees not to oppose a motion made by Turk Walter
25 Black for an order authorizing the return of the net proceeds to
26 him.

27 5. As consideration for these promises, and upon the
28 deposit of the net proceeds the government agrees to dismiss the

forfeiture allegation against 14 Fifth Street, Petaluma, California, APN: 008-046-011. To facilitate the sale of the property, the government also agrees to deposit with the appropriate Escrow/Title Company a withdrawal of lis pendens with instructions to record the withdrawal of lis pendens upon the delivery of the net proceeds to the United States Department of Treasury as described in paragraph 1 above. Turk Black agrees to market and sell the property in a commercially reasonable manner. He further agrees not to take any action to encumber or otherwise burden the real property prior to sale. Prior to the sale, the Government must consent to the sale in writing.

IT IS SO STIPULATED.

DATED: 4/20/06

McGREGOR W. SCOTT
United States Attorney

/s/ Courtney J. Linn
COURTNEY J. LINN
Assistant U.S. Attorney

DATED: 4/17/06

/s/ Turk Walter Black
TURK WALTER BLACK
Defendant

State of California)
County of Sonoma)

On April 17, 2006 before me, Maureen E. McGuigan, personally appeared Turk Walter Black, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

MAUREEN E. MCGUIGAN
COMM. #1396213
Notary Public - California
SONOMA COUNTY
My Comm. Exp. Jan 27, 2007

/s/ Maureen E. McGuigan
Signature


DATED: 4-18-06

/s/ David W. Dratman
DAVID W. DRATMAN
Attorney for Turk Walter Black

(Original signatures retained by
attorney)

IT IS SO ORDERED.

DATED: April 25, 2006


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE